

APPEAL NO. 040551  
FILED APRIL 15, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 4, 2004. With respect to the issue before her, the hearing officer determined that the respondent's (claimant) compensable injury of \_\_\_\_\_, extends to include major depressive disorder and generalized anxiety disorder, but does not include post traumatic stress disorder (PTSD). In its appeal, the appellant (carrier) challenges the determination that the compensable injury extends to and includes major depressive disorder and generalized anxiety disorder. In her response to the carrier's appeal, the claimant urges affirmance. The claimant did not appeal the determination that her compensable injury does not include PTSD.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. The hearing officer determined that the compensable injury extends to and includes major depressive disorder and generalized anxiety disorder. Generally, depression is compensable if it is the "result of the injury" as opposed to being traceable to the "circumstances arising out of and immediately following the injury." Texas Workers' Compensation Commission Appeal No. 961449, decided September 9, 1996. That is, where the depression naturally flowed from the pain and physical limitations caused by the compensable injury, the depression is compensable; whereas depression that resulted from the stress of the workers' compensation "system" or financial difficulties is not compensable. See Texas Workers' Compensation Commission Appeal No. 030056, decided February 12, 2003, and cases cited therein. The fact that there may be more than one cause of the claimant's depression does not preclude a finding of compensability, provided that there is a causal connection between the compensable injury and the claimant's condition. The causal connection here is met by the fact that the injury resulted in chronic pain and loss of function. The hearing officer found that the medical evidence indicates by a reasonable medical probability that the major depressive disorder and generalized anxiety disorder are related to the compensable injury.

Extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. There was conflicting evidence on the extent-of-injury issue. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the challenged determination is so against the

great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ONE BEACON INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C. J. FIELDS  
5910 NORTH CENTRAL EXPRESSWAY  
DALLAS, TEXAS 75206.**

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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Daniel R. Barry  
Appeals Judge